

## **REMARKS**

Upon entry of the present amendment, claims 5-8, 10-12, 16-19, 21, 22, 26-29, 31 and 32 will have been amended. Claim 1-4, 9, 13-15, 20, 23-25 and 30 will have been canceled without prejudice or disclaimer of the subject matter.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections and objections set forth in the above-mentioned Official Action. Such action is now believed to be appropriate and proper and is thus respectfully requested, in due course.

Initially, Applicants would like to thank the Examiner for indicating the acceptance of the drawings filed with the present application on May 5, 2006. Applicants would also like to thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. §119, as well as for confirming receipt of a certified copy of the document upon which the claim for foreign priority is based.

Applicants would additionally like to thank the Examiner for acknowledging consideration of the documents listed on the Form PTO-1449 submitted with the Information Disclosure Statements on August 4, 2006 and September 29, 2006, except for three NPL documents. Specifically, the Examiner indicated that the Information Disclosure Statement filed on August 4, 2006 fails to comply with 37 CFR 1.98(a)(2), because a copy of two NPL documents (ISO/IEC 9293 and Optical Storage Technology Association) was not submitted, and an English language translation of one NPL document ("Kaitei 3 Han Hyojun Red Hat Linux Reference," hereinafter "Red Hat Linux") is not provided.

In this regard, Applicants submit that a copy of ISO/IEC 9293 cannot be submitted, because, as noted in the Information Disclosure Statement filed on August 4, 2006, reproduction

of this article is not permitted pursuant to a non-disclosure agreement. Further, although Red Hat Linux is not in English, a concise explanation of the relevance thereof was included. In particular, this document was cited in International Search Report with respect to PCT/JP2004/016421, of which the above-captioned application is a U.S. National Stage Application, and the relevance category is set forth in the International Search Report, a translation of which was submitted. Accordingly, Applicants submit that an English language translation of Red Hat Linux is not required.

Nevertheless, concurrently with the present response, Applicants have submitted a Supplemental Information Disclosure Statement with an English language translation of a portion of Red Hat Linux. Additionally, Applicants have submitted a copy of previously cited Optical Storage Technology Association document. Accordingly, Applicants respectfully request that the Examiner consider the these documents and confirm such consideration by the return of an appropriately signed and initialed copy of the PTO-1449 Forms attached to the above noted Supplemental Information Disclosure Statement.

In the outstanding Official Action, the Examiner objected to the Abstract, because references are made to various elements numbered in various figures. By the present response, Applicants have eliminated the reference numerals from the Abstract, as the Examiner requested. Accordingly, reconsideration and withdrawal of the outstanding objection to the Abstract is respectfully requested.

In the outstanding Official Action, the Examiner objected to claim 23 due to a minor error. By the present response, Applicant has canceled the objected claim. Thus, Applicants respectfully submit that the basis for the objection no longer exists due to the cancellation of the objected claim.

In the outstanding Official Action, the Examiner rejected claims 11, 24-25 and 32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner indicated that the terms “good” and “bad” as recited in claims 11 and 32 are indefinite. Additionally, the Examiner indicated that “the other area” as recited in claims 24-25 should be “the other areas.”

By the present response, Applicants have amended claims 11 and 32, as well as claim 22 (which also includes the terms of “good” and “bad”), to eliminate the terms “good” and “bad.” Instead, Applicants used “inaccessible,” which is defined in the specification (see, e.g., first full paragraph of page 22 of Applicants’ original specification) to replace “bad.” The term “good” is replaced by “accessible,” in contrast with “inaccessible.”

In addition, claims 24 and 25 have been canceled by the present response. Accordingly, reconsideration and withdrawal of the outstanding 35 U.S.C. §112, second paragraph rejection is respectfully requested.

In the outstanding Official Action, the Examiner rejected claims 23-32 under 35 U.S.C. §102(b) as being anticipated by Hirota et al. (US 6,606,707). Claims 1-22 were rejected under 35 U.S.C. §103 as being unpatentable over Hirota et al. in view of Orcutt (US 6,377,958).

Applicants respectfully traverse each of the above noted rejections and submit that they are inappropriate with respect to the combinations of features recited in each of Applicants’ claims. In particular, Applicants respectfully submit that the disclosures of the references relied upon, whether considered individually or whether considered in any proper combination, are inadequate and insufficient to either anticipate or even to render obvious the features of

Applicants' invention as defined by claims 5-8, 10-12, 16-19, 21, 22, 26-29, 31 and 32 pending herein.

Applicants' invention is directed to an information recording medium, an accessing device and an area setting method, as recited in each of independent claims 5-8, 16-19 and 26-29. Applicants submit that, by the present response, these claims, which were previously dependent claims, have been amended into independent form that substantially incorporate the recitation of the independent claims and the intervening claims from which these claims were dependent.

Utilizing the accessing device recited in claim 5 as a non-limiting example of features and aspects of the invention disclosed in the present application, the present application relates to an information recording medium storing data which can be accessed from an accessing device, including, inter alia, a storage device having plural areas respectively managed by independent file systems; an area information storage, a host interface, an area size setter, and an authentication controller operable to authenticate the accessing device. The storage device has an authentication area which allows access from the accessing device only when authentication by the authentication controller is successful, and a non-authentication area which allows access from the accessing device regardless of a result of the authentication by the authentication controller. The non-authentication area and authentication area individually have plural areas, and each area in the non-authentication area has a corresponding area in the authentication area. A predetermined setting condition includes a ratio of size of an area included in the non-authentication area to size of the corresponding area included in the authentication area. The host interface receives the size of one area in the non-authentication area or authentication area from the accessing device. The area size setter determines a size of each area in the non-

authentication area and authentication area on the basis of the received size of one area and the ratio, as the predetermined setting condition.

According to the features of the invention in the claimed combination, the size of each area of the authentication area and the non-authentication area in the information recording medium can be flexibly set by an accessing device.

Hirota et al. discloses a semiconductor memory card that includes an authentication area 332 and a non-authentication area 331 (Fig. 7C). Hirota et al. further discloses that the size of the authentication area and the size of the non-authentication area can be changed by changing the boundary address value between the authentication area and the non-authentication area. To change the sizes of respective areas, the size of the non-authentication area (the number of new sectors) is sent to the memory card using a dedicated command for changing the area size (col. 13, line 55 ~).

However, Applicants submit that Hirota et al. does not disclose that each of the authentication area and the non-authentication area includes plural areas. Moreover, Hirota et al. does not disclose that the accessing device sends a size of one area of the plural areas in the non-authentication area or the authentication area, and the area size setter determines the size of each area in the non-authentication area and the authentication area based on the received size of the one area in the non-authentication area or the authentication area, and based on the ratio of size of an area included in the non-authentication area and size of corresponding area in the authentication area, as a predetermined setting condition.

Orcutt is not applied with respect to the above-noted features of the present invention. In particular, Orcutt fails to disclose that each of the area in the non-authentication area and the

authentication area is determined based on the size of one area received from the accessing device and the ratio.

Other independent claims include features similar to claim 5, although the features regarding how the each of the area in the non-authentication area and the authentication area are determined, i.e., the size of the area sent from the accessing device and the predetermined setting conditions, are somewhat different from claim 5. However, none of these features are disclosed by Hirota et al., Orcutt or any combination thereof.

Accordingly, Applicants submit that none of the cited references disclose or suggest the combination of features as recited in each of the Applicant's independent claims, and the Examiner's rejections of these independent claims under 35 U.S.C. §102 or 35 U.S.C. §103(a) are improper.

The dependent claims in the present application are respectfully submitted to be patentable over the reference relied upon based upon their dependence from a shown to be allowable base claim, as well as based upon their own additional recitations.

Accordingly, in view of the herein contained amendments and remarks, Applicant submit that they have now overcome the outstanding rejections and objections in the present application and respectfully request an indication to such effect, in due course.

## **SUMMARY AND CONCLUSION**


Applicants have made a sincere effort to place the present application into condition for allowance and believe that they have now done so. Applicants have amended claims to clarify the feature of the invention and to emphasize distinctions between the present invention and the disclosures of the references relied upon by the Examiner.

Applicants have discussed the disclosure of the primary reference cited by the Examiner against the claims of the present application and with respect to such disclosure have noted the significant and substantial deficiencies thereof. Applicants have additionally discussed the explicit recitations of Applicants' claims and with respect to such recitations have noted the shortcomings of the disclosures of the references applied thereagainst. Accordingly, Applicants have provided clear bases for the patentability of all the claims in the present application and respectfully request an indication to such effect, in due course.

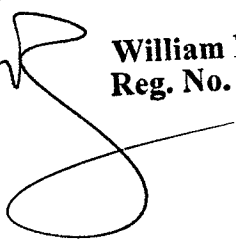
Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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